

August 23, 2007

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

Re: *Ex Parte* Presentations in MB Docket No. 07-29

Dear Ms. Dortch:

Pursuant to Section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, the Coalition for Competitive Access to Content (CA2C), submits this notice of an *ex parte* presentation in the above-captioned proceeding.

On August 23, 2007, members of the CA2C including: Stacy Fuller, DIRECTV; James Smith, AT&T; Jeff Lanning, Embarq; Kevin Rupy, US Telecom; Brian Ford, OPASTCO; Richard Ramlall, RCN; Parul Desai, Media Access Project; Joshua Seidemann, ITTA; Martin L. Stern, Legal counsel for The Coalition for Competitive Access to Content (CA2C); and I, had meetings on behalf of the referenced companies and organizations with Amy Blankenship, Legal Advisor to Commissioner Tate and Michelle Carey, Legal Advisor to Chairman Martin.

At this meeting we discussed the policy positions advocated by the CA2C in its Comments and Reply Comments previously submitted in this proceeding. We also requested that the FCC endorse closing the terrestrial loophole. The agenda used for this meeting is appended as further reference to this discussion.

Respectfully submitted by:

/s/

John Goodman, President, CA2C  
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Enclosure

cc: Amy Blankenship, Michelle Carey

Coalition for Competitive Access to Content (CA2C)  
FCC Meeting Agenda, August 23, 2007  
Amy Blankenship, Legal Advisor to Commissioner Tate  
Michelle Carey, Legal Advisor to Chairman Martin

CA2C Attendees: Stacy Fuller, DIRECTV  
James Smith, AT&T  
Parul Desai, Media Access Project  
Jeff Lanning, Embarq  
Kevin Rupy, US Telecom  
Richard Ramlall, RCN  
Joshua Seidemann, ITTA  
Brian Ford, OPASTCO  
John Goodman, CA2C  
Martin Stern, K&L Gates

1. Introduction

- The CA2C is a diverse coalition that agrees on core program access issues.
- The CA2C was the primary sponsor for program access legislation during 2006 that would have closed the “Terrestrial Loophole”.
- The CA2C filed comments and reply comments in the current 07-29 proceeding.

2. Program Access

- The ban on exclusives must be extended because cable operators still have the incentive and the ability to withhold vertically integrated “must have” content from their competitors.
- Any diminished access to such content will harm both current and desired video competition.
- The current rules have been historically essential and have caused no harm.
- We recommend extension of the current rules with strengthened enforcement procedures.
  - An extension of 5 years
  - Better discovery with appropriate assured confidentiality
  - 120 day complaint proceeding
- Program access rules also benefit further broadband development.

3. The “Terrestrial Loophole”.

- The CA2C continues to support closing the terrestrial loophole.
- We recognize that the best solution to this issue will likely be legislative.
- We seek FCC endorsement to close the terrestrial loophole.